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10/706,396	11/12/2003	Sandeep Betarbet	030474; 190250-1630	6854

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EXAMINER	
LAI, MICHAEL C	

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,396	BETARBET, SANDEEP	
	Examiner	Art Unit	
	MICHAEL C. LAI	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/13/2009, 3/2/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 3/23/2009.

Response to Amendment

The examiner has acknowledged the amended claims 1, 8, 14, 20, 27, and 33. Claims 1-39 are pending.

Applicant has not pointed out where the limitations of the amended claims are supported in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06) Applicant is requested to provide support for the amended claims, particularly the new limitation **"**an originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked from a remote terminal connected and logged into the originating file transfer host, wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server.**"**.

Response to Arguments

Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made

2. Claims 1, 3, 10-11, 14, 23-24, 27, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlquist et al. (US 5,367,667, hereinafter Wahlquist), in view of Takemoto et al. (JP 09305500 A, hereinafter Takemoto), and further in view of Postel and Reynolds (RFC 959 "File Transfer Protocol (FTP)", October 1985, hereinafter referred to as Postel).

Regarding claims 1, 14 and 27, Wahlquist discloses a file transfer system, comprising:

a script server [FIG. 1, database manager 20] monitoring for incoming scripts and files from remote terminals [FIG. 1, help desk computer 10; col. 4, lines 1-7], receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, transferring the script and the file [col. 2, lines 32-35, "The representative then submits the case and script files to the database manager which creates a service job. The database manager then schedules the job to be acted on by a communications link manager application"]; and

an originating file transfer server [FIG. 1, communication link manager 30] receiving the script and the file from the script server and transferring the file to a terminating file transfer server [col. 2, lines 36-41, "The link manager then downloads the case and script files to the user's computer"].

Wahlquist discloses the claimed invention except for specifically teaching that wherein the script provides a description for handling transfer of the file by the script server and after receiving the script and the file from the script server, the originating file transfer server transfers the file to a terminating file transfer server in accordance with the script. Takemoto discloses a software distribution system that uses a script file in which the procedure of distribution is described and executed in order to shorten the distribution time [abstract and paragraphs 6-8]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Takemoto's teaching into Wahiquist's system for the purpose of shortening file distribution time by using a script that provides an instruction for handling the file to be transferred, interpreting the script and transferring the file to a terminating file transfer server in accordance with the script, thereby creating more efficient file transfer environment.

Wahlquist and Takemoto disclose substantially all the limitations in the claimed invention, but fail to specifically disclose the originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host. However, Postel discloses the FTP Model with an originating file transfer client [Figure 1, USER-FTP] communicating to the originating file transfer server [Figure 1, Server-FTP] for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked by a local user logged into the originating file transfer host or invoked from a remote terminal connected and logged into

the originating file transfer host [Figure 2 and Section 2.3, 4th paragraph], wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server [see Figure 2 and Section 2.3, 4th and 5th paragraphs]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Postel's teaching into Wahiquist's and Takemoto's system for the purpose of shielding a user from variations in file storage systems among hosts by using the FTP Model to compensate the script server, wherein the originating file transfer client and the script server bypassing each other, thereby creating more reliable and more efficient file transfer environment [see Section 1, Introduction].

Regarding claim 3, Wahlquist further discloses wherein the terminating file transfer server is the transfer point from the originating file transfer server to a receiving computer [col. 4, lines 18-32, user computer 70 is the transfer point to target computer 90].

Regarding claims 10, 23, and 36, Wahiquist further discloses a terminating file transfer host, comprising:

the terminating file transfer server determining a user identification named in the script and copying the file [FIG. 1, user computer 70; col. 7, lines 27-42, the user computer transfers the case and script files to the target computer]; and

a home directory associated with the user identification receiving the file copy from the terminating file transfer server [this is well expected for forwarding files to remote users].

Regarding claims 11, 24, and 37, Wahiquist and Takemoto disclose the claimed invention except for the agent associated with the home directory. Postel discloses: an agent associated with the home directory, operable to identify a host name and a receive port of a computer associated with the home directory [Section 5.2, paragraph 2: The user-DTP must "listen" on the specified data port; this may be the default user port (U) or a port specified in the PORT command...]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Postel's teaching into Wahiquist's and Takemoto's system for the purpose of following the conventions of the file transfer protocol by using an agent associated with the home directory and the receive port, thereby supporting data transfer using the default port [Section 5.2, paragraph 3].

3. Claims 2, 15, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahiquist, in view of Takemoto and Postel, and further in view of Applicant's admitted prior art ("AAPA"), specifically in view of the prior art Connect:Direct servers presented in the Description of the Related Art section of Applicant's Specification.

Regarding claims 2, 15, and 28, Wahiquist, Takemoto, and Postel disclose the claimed invention except for the Connect Direct software platform. However,

AAPA discloses wherein the originating file transfer server uses a Connect Direct software platform to communicate with a terminating file transfer server [pages 2-3]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate AAPA's teaching into Wahiquist's, Takemoto's and Postel's system for the purpose of using a known, proven peer-to-peer file-based software for transferring large amounts of data securely between hosts by using a Connect Direct software platform to communicate with a terminating file transfer server, thereby providing reliable and secure file transfers [see page 2, lines 16-18].

4. Claims 4-9, 16-22, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahiquist, in view of Takemoto and Postel, and further in view of Swartz et al. (US 6,961,778 B2, hereinafter referred to as Swartz).

Regarding claims 4, 8-9, 16, 20-22, 29, 33-35, Wahiquist, Takemoto, and Postel disclose the claimed invention except for the private connection bus. Swartz discloses a private connection bus operable to transmit information between the script server and the originating file transfer server [col. 35, lines 4-7, "LAN"]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Swartz' teaching into Wahiquist's, Takemoto's and Postel's system for the purpose of reducing the number of processes involved by using a private or dedicated connection bus, thereby creating more efficient file transfer environment.

Regarding claims 5, 17, and 30, Wahiquist, Takemoto, and Postel disclose the claimed invention except for the Java application programming interface. Swartz discloses wherein the script server receives files and scripts from said at least one remote terminal via a Java application programming interface [col. 9, lines 11-22: ... With Java, developers can create robust User Interface (UI) components...]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Swartz' teaching into Wahiquist's, Takemoto's and Postel's system for the purpose of taking advantage of an existing and proven technology by using a Java application programming interface, thereby reducing risk and cost.

Regarding claims 6, 18, and 31, Wahiquist, Takemoto, and Postel disclose the claimed invention except for the Java application programming interface is operable to send files and scripts to a particular node of the host. Swartz discloses wherein the Java application programming interface is operable to send files and scripts to a particular node of the host [col. 9, lines 23-35: ... Java supports programming for the Internet in the form of platform-independent Java applets." Java applets are small, specialized applications that comply with Sun's Java Application Programming Interface (API) allowing developers to add "interactive content" (send files and scripts) to Web documents...]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Swartz' teaching into Wahiquist's, Takemoto's and Postel's system for the purpose of taking advantage of an existing and proven

technology by using a Java application programming interface to send files and scripts to a particular node of the host, thereby reducing risk and cost.

Regarding claims 7, 19, and 32, Wahiquist, Takemoto, and Postel disclose the claimed invention except for the C language software application. Swartz discloses the C++ language for programming [col. 6, lines 15-29]. However, the C language is in the same family as C++ and well-known for writing scripts in a UNIX or other operating system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the C language into Wahiquist's, Takemoto's, Postel's, and Swartz's system and have the script server as a C language software application on the host system for the purpose of using a well-known programming language in the same family, thereby providing an easier to maintain system.

5. Claims 12-13, 25-26, and 38-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahiquist, in view of Takemoto and Postel, and further in view of Wei et al. (US 2002/0087642 A1, hereinafter referred to as Wei).

Regarding claims 12, 25, and 38, Wahiquist, Takemoto and Postel disclose all subject matter as discussed in claim 11 above, except for the Java server script. However, Wei discloses using JSP (java server script) [para. 0025, lines 23-26] as a CGI script. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Wei into Wahiquist's, Takemoto's and Postel's system so that wherein the computer associated with the home directory comprises a Java server script operable to

monitor for communications on the receive port. The motivation would be using off-the-shelf product to reduce development time and as a result, faster to the market.

Regarding claims 13, 26, and 39, Postel further discloses wherein the agent is operable to remove the file from the home directory after transferring the file to the host name and receive port of the computer associated with the home directory [Section 4.1.3, DELETE: This command causes the file specified in the pathname to be deleted at the server site.].

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
13JUN2009

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457